

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KELLY RAINEY,

Plaintiff,

v.

WARDEN L. TEGELS, et al.,

Defendants.

ORDER

Case No. 17-cv-05-wmc

Plaintiff Kelly Rainey, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983 and requests leave to proceed without prepayment of the filing fee. Plaintiff has also submitted a letter (dkt. #1) stating that due to limited funds for copies, plaintiff requests that the court use the trust fund account statement (dkt. #10) recently submitted in case no. 16-cv-812-wmc in support of his motion. After considering the trust fund account statement in 16-cv-812-wmc, I conclude that plaintiff qualifies for indigent status.

A prisoner litigant who qualifies for indigent status must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$0.73. For this case to proceed, plaintiff must submit this amount on or before January 26, 2017.

ORDER

IT IS ORDERED that,

1. Plaintiff Kelly Rainey is assessed \$0.73 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$0.73 on or before January 26, 2017 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before January 26, 2017. If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with authorities to pay the remainder from plaintiff's release account.

2. If, by January 26, 2017, plaintiff fails to make the initial partial payment or show cause for his failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing his case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 5th day of January, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge